IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2079 OF 2007

Bhausaheb Uttam Dhande. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.V.V.Purwant, Adv. for the Applicant.
Mr.K.V.Saste, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 27th June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.119 of 2007 of Pandharpur Taluka Police Station, District - Solapur. The said case is under Sections 363 and 366 of IPC.

3. The material on record shows that Ujwala who is the daughter of the complainant, had love affair with the applicant for more than one year prior to the incident. On account of the said love affair, she eloped with applicant out of her own free will and thereafter Ujwala and applicant

got married in a temple. There was no force or compulsion to Ujwala. At that time, Ujwala was over 16 years of age. However, she was below 18 years of age. I have perused the statement of Ujwala. Ujwala has clearly stated that she had love affair with the applicant. On the day of the incident, applicant - Bhausaheb asked her to run away with him. whereupon, she voluntarily agreed to do so. Thereafter, both of them went to a temple and got married. Looking to the fact that Ujwala has voluntarily and willingly left her house even though she was below the age of 18 years, it is apparent that she knew the nature and consequences of her act. Hence, I am inclined to grant bail to the applicant.

4. The applicant - Bhausaheb Uttam Dhande to be released on bail in the sum of Rs.10,000/- with one or two sureties to make up the said amount. The applicant shall report to Pandharpur Taluka Police Station, District - Solapur once in a month, till conclusion of the trial.

5. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)